

tin, McAnelly, McDade, Millican, Newman, Pedigo, Potter, Scarborough, Scott, Sublett, Taylor and Whitaker—25.

Mr. Sublett offered the following amendment as a substitute for the 14th amendment :

Provided, said road shall not cross the rivers Trinity, Brazos and Colorado above the thirty-second degree of north latitude ; adopted by the following vote :

**YEAS**—Messrs. Armstrong, Bryan, Durst, Gage, Guinn, Hill, Holland, Keenan, Kyle, Lytle, McAnelly, McDade, Millican, Newman, Paschal, Pedigo, Potter, Scarborough, Sublett, Superviele, Taylor and Whitaker—22.

**NAYS**—Messrs. Allen, Burks, Doane, Edwards, Hart, Jowers Lott, Martin, Scott and Wren—10.

Mr. Paschal moved to reconsider the vote adopting said substitute, which, on motion of Mr. Jowers, was laid on the table.

The 15th and 16th amendments, the last offered by the committee, were adopted.

Mr. Gage moved to take up the bill and vote upon it, section by section ; lost.

On motion of Mr. McAnelly, the Senate adjourned until tomorrow morning at 9 o'clock.

#### SATURDAY, December 3, 1853.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

Journal of yesterday read and adopted.

On motion of Hr. Lott, the Senate adjourned until Monday morning at 9 o'clock.

#### MONDAY, December 5, 1853.

Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

Journal of Saturday read and adopted.

Mr. Keenan presented the petition of Uriah F. Case, asking for an unconditional certificate for 640 acres of land in the name of John W. Clark ; referred to the committee on Private Land Claims.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a resolution instructing an inquiry into the propriety of organizing a new judicial district, to be composed of the counties of Tarrant, &c., and a like resolution as to the pro-

priety of forming a judicial district composed of the counties of Harrison, &c., reported said resolution back to the Senate, and requested that they be referred to the committee on Judicial Districts.

Mr. McDade, one of the committee on Public Debt, to whom was referred a bill concerning certain liabilities reported by the Auditor and Comptroller, and confirmed by the Legislature, reported the same back to the Senate, and recommended its passage.

Mr. Scott, from the committee on Public Debt, to whom was referred a bill to permit and require Stewart Perry, or his assignee, to present his claim to the auditorial board, reported the same back to the Senate, and asked to be discharged from its further consideration.

Mr. Guinn, from the committee on Engrossed Bills, reported the following bills as correctly engrossed:

A bill for the relief of James H. Tom;

A bill to provide for the cancellation of patents in certain cases; and

A bill to establish a system of common schools.

Mr. Potter introduced a bill to amend an act of limitations, approved February 5th, 1841, and a bill to amend the 9th and 10th sections of an act to regulate the license and practice of attorneys and counsellors at law, approved May 12th, 1846; each of which were read first time.

Mr. Weatherford introduced a bill creating the county of Lafayette: read first time.

Mr. Bryan presented the petition of Ernest Fielder, administrator of the estate of Eli Hart, asking for relief; referred to the committee on Public Debt.

Mr. Hill presented the petition of sundry citizens of Fayette county, asking for a division of said county and the organization of a new county; referred to the committee on Counties and County Boundaries.

Mr. Paschal, chairman of the committee on Internal Improvements, made the following report:

The committee on Internal Improvements have had under consideration a bill entitled an act to amend the twenty-second section of an act entitled an act to regulate railroad companies, approved 7th of February, 1853, and have instructed me to report the same back and recommend its passage. The amendment is believed to be necessary in order to secure uniformity in the width of the gauges of roads, and to make the roads of Texas

correspond in width with those which may enter Texas from other States. All of which is respectfully submitted.

### ORDERS OF THE DAY.

A bill to provide for the construction of the Mississippi and Pacific Railroad being under consideration,

Mr. Gage moved to amend the first section in second line by inserting between the words "the" and "boundary" the word "eastern;" carried.

Mr. Scott offered the following amendment to 13th section: strike out "provided said road shall not cross the rivers Trinity, Brazos and Colorado above the thirty-second degree of north latitude," and insert "provided said road shall cross the rivers Trinity, Brazos and Colorado at or near the thirty-second degree of north latitude as practicable."

Mr. Bryan moved a division of the question; carried.

The motion to strike out and motion to insert were respectively adopted.

Mr. Keenan offered the following amendment to Mr. Scott's amendment: "provided, further, that said crossing shall not exceed one-fourth of one degree north of the thirty-second degree of latitude."

Mr. Scott moved to amend said amendment by adding "or south of;" lost.

Mr. Keenan's amendment was then rejected.

Mr. Burk moved to strike out all after the word "finished" in section 13; rejected.

Mr. Wren offered the following amendments:

First amendment—first section, fifth line, strike out "twenty" and insert "eight."

Second amendment—section 2d. And be it further enacted, That any county in this State, by the consent of a majority of the qualified electors of said county, may become a stockholder to the amount subscribed by them, and shall be authorized to issue county bonds for said amount so subscribed, and any county so subscribing stock shall be entitled to receive from this State two acres of land for each dollar so subscribed; said lands to be issued and patented in accordance with the provisions of this act, provided nothing in this act shall be so construed as to enable the various counties in this State to subscribe more than one-half of the capital stock of said company.

Third amendment—section 3. And be it further enacted, That all lands granted to the counties and under the provisions of the second section of this act shall be held subject to the payment of

said county bonds, and all interest which shall accrue thereon; and after the payment of said bonds and all interest, the lands remaining unapplied in the payment of the same, shall revert back to the State to be disposed of as the Legislature may direct.

First of said amendments rejected; and, on motion of Mr. Edwards, the other two laid on the table.

Mr. Hart moved to amend the fourth section by striking out all after the word "State" in the fourth line, to "and" in fifth line, and insert "at such time as the Governor may direct;" adopted.

On motion of Mr. Lott, the vote adopting said amendment was reconsidered.

Mr. Bryan offered the following amendment to Mr. Hart's amendment—"provided said bids are made on or before the first of August next," which was accepted by Mr. Hart.

The vote then being upon Mr. Hart's amendment, it was adopted.

On motion of Mr. Potter, the words "and be it further enacted" in each section, after the first, were stricken out.

On motion of Mr. Hart, the fifth section was amended by striking out the words "on it," and the words "after the first day of May next."

Mr. Potter offered the following amendments:

First amendment—strike out from the caption the words "Mississippi and."

Second amendment—in section first, third line, after "Arkansas," insert the words "and from Galveston on the Gulf of Mexico, and some point on the western margin of Lavaca or Matagorda bays."

Third amendment—in same section, fourth line, after the words "El Paso" insert "said Galveston and Matagorda bay sections of said road to intersect or to connect with said Fulton and El Paso section at any convenient point or points."

Fourth amendment—at the end of the fifth section add, "provided that said proposals shall distinguish between the sections of said road commencing on the eastern boundary of the State and the sections commencing at Galveston and Matagorda bay. And the Governor may, at his discretion, contract with such company or individuals so as that they shall not be bound to build said last named sections. And in case the Governor shall contract for the building of said road without said last-named sections, then he shall, immediately after having contracted for the building of said first-named section, advertise for proposals for building said last-named sections separately, stating in the ad-

vertisement the time when the proposals shall be filed in the office of the Secretary of State, and when the same shall be opened; and shall contract separately for the building of each of said last-named sections, fixing in such contracts the amount to be deposited in the treasury under each of such contracts, as a forfeit, as provided in the 12th section of this act, which shall not be less than \_\_\_\_\_, nor more than \_\_\_\_\_

thousand dollars; and the number of miles of each section of road to be completed from year to year, being not less than fifty miles per year on each section from the time the work shall be required to be commenced, according to the terms of the contract, under the penalties in this act provided, in case of failure to perform the conditions for the building of the said first-named sections; and any company or companies or individuals, so contracting, shall have all the powers and privileges which this act confers on the company or individuals who shall have contracted to build said first-named section of said road, together with the same grant of lands per mile, upon the same terms and under like restrictions; and provided, further, that the companies or individuals contracting in each of the cases herein provided for, shall be bound by every and all of the stipulations in their several contracts contained, by which they may undertake more favorable to the State, and in the completion of the several sections of said road than is provided for in this act; and in case of non-compliance with such more favorable stipulations, shall be liable to all of the penalties and forfeitures herein denounced. And the companies or individuals who may become entitled to land under the provisions of their contracts for the construction of said last-named sections of said road, shall have the right to select and receive all or any portion of such lands out of the alternate sections of land reserved to the State by the fourteenth section of this act."

Mr. Sublett moved to make the bill and amendments the special order of the day for Wednesday next; lost by the following vote:

YEAS—Messrs. Armstrong, Bryan, Durst, Hill, Keenan, Little, McAnelly, McDade, Millican, Pedigo, Potter, Scarborough, Sublett, Superviele and Wren—15.

NAYS—Messrs. Allen, Burks, Donne, Edwards, Gage, Ginn, Hart, Holland, Kyle, Lott, Martin, Newman, Paschal, Scott, Taylor, Weatherford and Whitaker—17.

On motion of Mr. Bryan, the bill and amendments were made the special order of the day for to-morrow at 11 o'clock.

A message was received from the House, informing the Senate that the House had passed the following bills :

A bill authorizing and requiring the Commissioner of the General Landoffice to issue a patent to the assignee of James O. Rice, for lot No. 4, in block 98, in the city of Austin ;

A bill to incorporate New Danville Masonic Female Academy ;

A bill to amend the fifth section of an act to regulate ferries, approved Jan. 23, 1853 ;

A bill to incorporate the Linden Male and Female Academy and Masonic Hall ;

A bill to incorporate Jackson Division, No. 9, Sons of Temperance ;

A bill authorizing two copies of the seal of the Supreme Court to be made for the use of said Court ;

A bill to incorporate Indian Creek Academy ; and

A bill to incorporate the Mound Prairie Institute.

On motion of Mr. Durst, the Senate adjourned until to-morrow morning 9 o'clock.

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TUESDAY, Dec. 6, 1853.

The Senate was called to order pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Lott presented the petition of sundry citizens of Smith county, asking for the privilege of voting against the sale of ardent spirits in said county ; referred to the committee on State Affairs.

Mr. Wren presented the petition of the heirs of George W. Jewett, deceased, asking for relief ; referred to the committee on Public Debt.

Mr. Keenan presented the petition of Anthony W. O'Connell, asking for relief ; referred to the committee on the Penitentiary.

Mr. Potter presented the petition of the Directors of the Galveston Bay and Brazos Navigation Company, praying for such assistance, by way of appropriation, as the Legislature may see proper to render ; referred to the committee on Internal Improvements.

Mr. Millican presented the petition of sundry citizens of the counties of Brazos and Robertson, asking for an appropriation for the endowment of the Texas Orphan Asylum ; referred to the committee on Education.

Mr. Potter, chairman of the committee on the Judiciary, to